



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

January 26, 1990

Honorable Eddie Cavazos
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78769

LO-90-9

Dear Representative Cavazos:

Your office has asked by telephone whether a justice of the peace may also serve as a deputy sheriff or be employed as a city police officer.

Attorney General Opinion O-174 (1939) held that a person could not simultaneously serve as a justice of the peace and a deputy sheriff. Attorney General Opinion JM-1047 (1989) held that a justice of the peace is barred from serving as a jailer during his tenure in office. The reasoning of that opinion applies to your question about the police officer.

Your inquiry involves a deputy sheriff who is a candidate for justice of the peace. If the individual in question were elected, and if he qualified for and accepted the office of justice of the peace, he would automatically vacate his position as deputy sheriff. Attorney General Opinion MW-170 (1980).

Yours very truly,

A handwritten signature in cursive script, appearing to read "Karen C. Gladney", written over a horizontal line.

Karen C. Gladney
Assistant Attorney General

KCG/mc

Ref.: ID-8720

APPROVED: RICK GILPIN, CHAIRMAN
OPINION COMMITTEE

SARAH WOELK, CHIEF
LETTER OPINION SECTION

Enclosures